



Governor
Douglas Ducey

**ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**
9535 EAST DOUBLETREE RANCH ROAD
SCOTTSDALE, ARIZONA 85258-5572
PH: (480) 657-7703 | FX: (480) 657-7715
www.azdo.gov

BOARD MEMBERS:
Douglas Cunningham, D.O., President
Jenny G. Landau, J.D., Vice Pres.
Gary Erbstoesser, D.O.
Lew Riggs, Ed.D.
Martin Reiss, D.O.
Vas Sabech, D.O.

Executive Director
Jenna Jones

November 22, 2016

Greg Hanchett, Director
Office of Administrative Hearings
1400 W. Washington, Ste. 101
Phoenix, AZ 85007

Re: 16A-DO-14-0284-OST Jeff Allen Baird, D.O.

Dear Mr. Hanchett:

At its meeting on November 19, 2016, the Arizona Board of Osteopathic Examiners in Medicine and Surgery reviewed and accepted Judge Shedden's Order in this case.

Enclosed please find a copy of the Board's Findings of Fact, Conclusions of Law and Order.

If you have questions, please contact me at 602-771-2522.

Sincerely,

Jenna Jones
Executive Director

Enc: Order

CC: Jeff Baird
Address of record

Email: Anne Froedge, AAG
Mary Williams, AAG

1 **BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**

2 In the Matter of

Case No.16A-DO-14-0284-OST

3 **JEFF ALLEN BAIRD, D.O.,**

4 Holder of License No. 2431
5 For the Practice of Osteopathic Medicine
6 In the State of Arizona.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

7 On November 19, 2016, this matter came before the Arizona Board of Osteopathic
8 Examiners ("Board") for consideration of the Administrative Law Judge (ALJ) Thomas
9 Shedden's proposed Findings of Fact, Conclusions of Law and Recommended Order.
10 Jeff Allen Baird, D.O., ("Respondent") was not present; Assistant Attorney General
11 Jeanne Galvin appeared on behalf of Mary D. Williams, representing the State. Anne
12 Froedge with the Licensing Enforcement Section of the Attorney General's Office, was
13 available to provide independent legal advice to the Board.

14 The Board, having considered the ALJ's decision and the entire record in this
15 matter, hereby issues the following Findings of Fact, Conclusions of Law and Order.

16 **FINDINGS OF FACT**

17 1. On June 13, 2016, the Arizona Board of Osteopathic Examiners in Medicine and
18 Surgery ("Board") issued a Complaint Notice of Hearing setting the above-captioned
19 matter for hearing on July 20, 2016, at the Office of Administrative Hearings in Phoenix,
20 Arizona.

21 2. Through the Complaint and Notice of Hearing the Board alleges that Jeff Allen
22 Baird, D.O. failed to comply with an April 9, 2014 Interim Order for Suspension and
23 Evaluations ("Interim Order") issued by the Board in Case No. DO-13-0041A.

24 3. The matter was continued and the hearing was conducted on September 19,
25 2016. Dr. Baird appeared and testified on his own behalf.

1 4. On March 29, 2014, the Board conducted an Investigative Hearing in Case No.
2 DO-13-0041A; Dr. Baird participated in that Investigative Hearing. After the Investigative
3 Hearing, the Board issued the Interim Order.

4 5. Through the Interim Order, the Board suspended Dr. Baird's license for up to 364
5 days from the effective date of that Order, and it ordered him to undergo a
6 neuropsychological evaluation, a medical examination, to undergo phase I and II
7 evaluations by the PACE program at the University of San Diego and a psychiatric
8 evaluation, and that he provide the certificates of completion for Continuing Medical
Education classes. The Interim Order became effective on July 24, 2014.

9 6. Dr. Baird's license was set to expire on May 1, 2016, but by operation of law, is
10 now on suspended status. See ARIZ. REV. STAT. § 33-3202.

11 7. Dr. Baird has not filed an application to renew his license.

12 8. Dr. Baird acknowledged that he had not complied with the Interim Order.

13 9. Dr. Baird argues that the Board and Attorney General's Office committed
14 improprieties in Case No. DO-13-0041A, which according to Dr. Baird, include making
confidential medical information public.¹

15 10. Dr. Baird did not argue that the Board exceeded its authority in issuing the Interim
16 Order or that the Order itself was invalid.

17 11. The Board requests that Dr. Baird's license be revoked.

18 **CONCLUSIONS OF LAW**

19 1. The Board bears the burden of persuasion. ARIZ. REV. STAT. § 41-
1092.07(G)(2).

20 2. The standard of proof on all issues in this matter is that of a preponderance of the
21 evidence. ARIZ. ADMIN. CODE § R2-19-119.

22 3. A preponderance of the evidence is:

23 The greater weight of the evidence, not necessarily established by
24 the greater number of witnesses testifying to a fact but by evidence

25 ¹ Addressing these issues and allegations is not within the scope of this tribunal's authority.

1 that has the most convincing force; superior evidentiary weight that,
2 though not sufficient to free the mind wholly from all reasonable
3 doubt, is still sufficient to incline a fair and impartial mind to one
4 side of the issue rather than the other.

5 BLACK'S LAW DICTIONARY 1373 (10th ed. 2014).

6 4. The Board had authority to conduct an investigative hearing regarding Dr. Baird's
7 ability or fitness to practice safely. ARIZ. REV. STAT. §§ 32-1855(A) and (E).

8 5. After conducting the Investigative Hearing, the Board had authority to suspend Dr.
9 Baird's license for up to one year. ARIZ. REV. STAT. § 32-1855(E)(7).

10 6. The Board has authority to order Dr. Baird to undergo medical, physical, and
11 mental examinations. ARIZ. REV. STAT. § 32-1855(B).²

12 7. It is unprofessional conduct for a licensee to violate a formal order of the Board.
13 ARIZ. REV. STAT. § 32-1854(25).

14 8. Under these facts and circumstances, the Board had met its burden to show that
15 Dr. Baird committed unprofessional conduct by failing to comply with the Interim Order.
16 The Board has authority to revoke Dr. Baird's license. ARIZ. REV. STAT. § 32-1855(H).

17 ORDER

18 **IT IS ORDERED** that Jeff Allen Baird, D.O.'s license number 2431 is revoked.

19 RIGHT TO PETITION FOR REHEARING OR REVIEW

20 Respondent is hereby notified that he has the right to petition for a rehearing or
21 review. The petition for rehearing or review must be filed with the Board's Executive
22 Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The
23 petition for rehearing or review must set forth legally sufficient reasons for granting a

24 ² The Board, in its Closing Argument, takes the position that ARIZ. REV. STAT. section 32-1855(B) authorizes
25 it to issue interim orders. Although that statute provides the Board authority to order a doctor to undergo
medical evaluations, it does not specifically address Interim Orders. And, it appears that "interim orders"
are not even mentioned in the Board's governing statutes. Because Dr. Baird has not asserted that the
Interim Order was inappropriately issued or that the Board exceeded its authority when issuing the Interim
Order, consideration of the full scope of the Board's authority is not necessary to resolve this matter.

1 rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days
2 after date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not
3 filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to
Respondent.

4 Respondent is further notified that the filing of a motion for rehearing or review is
5 required to preserve any rights of appeal to the Superior Court.

6
7 DATED this 22nd day of November 2016.

8 THE ARIZONA BOARD OF OSTEOPATHIC
9 EXAMINERS



13
14 By Jenna Jones
15 Jenna Jones
16 Executive Director

17
18 ORIGINAL of the foregoing filed this
19 22nd day of November, 2016 with:

20 Arizona Board of Osteopathic Examiners
21 9535 East Doubletree Ranch Road
22 Scottsdale, Arizona 85258

23 COPY of the foregoing filed this
24 22nd day of November, 2016 with:

25 Greg Hanchett, Director
Office of Administrative Hearings
1400 W. Washington, Ste 101
Phoenix, AZ 85007

Executed copy of the foregoing
mailed by U.S. Mail this
22nd day of November, 2016 to:

Jeff Allen Baird, D.O.
Address of Record

1 Mary D. Williams
2 Assistant Attorney General
3 Office of the Attorney General
4 CIV/LES
5 1275 W. Washington
6 Phoenix, AZ 85007

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

5460692